

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 21. BOARD OF OPTOMETRY

Editor's Note: The following Notice of Proposed Rulemaking was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 3566.)

[R14-199]

PREAMBLE

- | <u>1. Article, Part or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|-------------------------------------------------------------|--------------------------|
| R4-21-101 | Amend |
| R4-21-102 | Amend |
| R4-21-103 | Amend |
| R4-21-201 | Amend |
| R4-21-202 | Amend |
| R4-21-203 | Amend |
| R4-21-205 | Amend |
| R4-21-205.1 | New Section |
| R4-21-206 | Amend |
| R4-21-208 | Amend |
| R4-21-209 | Amend |
| R4-21-210 | Amend |
| R4-21-211 | Amend |
| R4-21-213 | Repeal |
| R4-21-302 | Amend |
| R4-21-305 | Amend |
| R4-21-306 | Amend |
| R4-21-308 | Amend |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 32-1704(A)
Implementing statute: A.R.S. §§ 32-1701 et seq.
- 3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rules:**
Notice of Rulemaking Docket Opening: 20 A.A.R. 2981, November 14, 2014
- 4. The agency's contact person who can answer questions about the rulemaking:**
Name: Margaret Whelan
Address: Board of Optometry
1400 W. Washington St., Suite 230
Phoenix, AZ 85007
Telephone: (602) 542-8155
Fax: (602) 542-3093
E-mail: margaret.whelan@optometry.az.gov

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Website: www.optometry.az.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Board is updating its rules to make them more clear, concise, and understandable; consistent with statute and current agency and industry practice. This rulemaking will update language and terminology used in the rules to improve consistency and clarity as well as conform to statutes amended in the 2013 legislative session (50th Legislature, 1st Regular Session) and 2014 legislative session (51st Legislature, 2nd Regular Session).

6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The rulemaking makes no substantive changes. It will have minimal economic impact to current licensees only. There is no economic impact to the public.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Margaret Whelan
Address: Board of Optometry
1400 W. Washington St., Suite 230
Phoenix, AZ 85007
Telephone: (602) 542-8155
Fax: (602) 542-3093
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Website: www.optometry.az.gov

10. The time, place, and nature of the proceedings to make, amend, repeal or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

An oral proceeding regarding the proposed rules will not be held. Any and all comments regarding these proposed rules may be submitted directly to the Arizona State Board of Optometry via the following methods:

E-mail to Margaret Whelan, Executive Director at margaret.whelan@optometry.az.gov;

FAX to the Arizona State Board of Optometry at (602) 542-3093;

Website at www.optometry.az.gov using the public information request form under the "Public Information Requests" box;

In person to the Board offices: 1400 W. Washington St., Suite 230, Phoenix, AZ 85007;

Mail to the Board offices: 1400 W. Washington St., Suite 230, Phoenix, AZ 85007.

The rulemaking record will close at 5:00 p.m. on December 19, 2014.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. § 41-1052 and §41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation into the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

None

12. A list of any incorporated by reference material as specified in A. R. S. § 41-1028 and its location in the rules:
None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 21. BOARD OF OPTOMETRY

ARTICLE 1. GENERAL PROVISIONS

Section	
R4-21-101.	Definitions
R4-21-102.	Fees and other Charges
R4-21-103.	Time-frames for Board Action
Table 1.	Time-frames (in calendar days)

ARTICLE 2.LICENSING PROVISIONS

Section	
R4-21-201.	Licensure by Examination
R4-21-202.	Licensure by Endorsement
R4-21-203.	Jurisprudence Examination
R4-21-205.	License Renewal
<u>R4-21-205.1.</u>	<u>Cardiopulmonary Resuscitation Requirements</u>
R4-21-206.	License Reinstatement; Application for Licensure following License Expiration
R4-21-208.	Certificate of Special Qualification; Pharmaceutical Agent Number
R4-21-209.	Continuing Education Requirement
R4-21-210.	Approval of Continuing Education
R4-21-211.	Audit of Compliance with Continuing Education Requirement
R4-21-213.	Registration of Nonresident Contact-lens Dispenser; Renewal

ARTICLE 3. STANDARDS; RECORDKEEPING; REHEARING OR REVIEW OF BOARD DECISION

Section	
R4-21-302.	Advertising
R4-21-305.	Recordkeeping
R4-21-306.	Optometric Prescription Standards; Release to Patients
R4-21-308.	Anaphylactic-related Supplies

ARTICLE 1. GENERAL PROVISIONS

R4-21-101. Definitions

In addition to the definitions in A.R.S. §§32-1701 ~~and 32-1774~~, the following apply to this Chapter:

“Accredited” means approved by the ACOE.

“ACOE” means the Accreditation Council on Optometric Education.

“Active license” means a license that is current and has not expired.

“Advertisement” means a written, oral, or electronic communication that an ordinary person would perceive is designed to influence, directly or indirectly, a decision regarding ophthalmic goods or optometric services.

“Applicant” means:

An individual who applies to the Board under A.R.S. §§32-1722 or 32-1723, R4-21-201 and R4-21-202 for a license to practice the profession of optometry, but has not been granted the license;

A licensee who applies under A.R.S. §32-1726 and R4-21-205 for license renewal;

A licensee who applies under A.R.S. 32-1728 and R4-21-208 for a pharmaceutical ~~agents~~ agent number;

~~A licensee or provider of continuing education that applies for approval of a continuing education under R4-21-210;~~

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~~or~~

~~A person who applies to the Board under A.R.S. § 32-1774 and R4-21-213 for registration as a non-resident dispenser of replacement soft contact lenses.~~

“Application package” means the forms, documents, and fees that the Board requires an applicant to submit or have submitted on the applicant’s behalf.

“Approved continuing education” means a planned educational experience relevant to the practice of the profession of optometry that the Board determines meets the criteria at R4-21-210.

“ARBO” means Association of Regulatory Boards of Optometry.

“Audit” means the selection of licensees and process of reviewing documents for verification of satisfactory completion of continuing education requirements during a specified time period.

“CPR” means Cardiopulmonary Resuscitation.

“CELMO” means the Council on Endorsed Licensure Mobility for Optometrists.

“Certificate of special qualification” means a document that specifies whether the holder, who was licensed by the Board before July 1, 2000, and has not completed a course of study approved by the Board, may prescribe, administer, and dispense a pharmaceutical agent and if so, whether the holder may prescribe, administer, and dispense:

A topical diagnostic pharmaceutical agent only, or

Topical diagnostic and topical therapeutic pharmaceutical agents.

“Continuing Education” means planned, organized learning acts designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

“COPE” means Council on Optometric Practitioner Education.

“Course of study,” as used in A.R.S. §32-1722, means education approved by the Board under R4-21-207 that qualifies an optometrist to prescribe, administer, and dispense topical diagnostic, topical therapeutic, and oral pharmaceutical agents.

“Injectable Epinephrine auto-injector” means an intramuscular dose of epinephrine used for emergency treatment of an allergic reaction and delivered by a spring-loaded syringe.

“Good cause” means a reason that is substantial enough to afford a legal excuse.

“Hour of continuing education” means no less than 50 minutes of learning in one hour of time.

“Incompetence,” as used in A.R.S. §32-1701(8), means lack of professional skill, fidelity, or physical or mental fitness, or substandard examination or treatment while practicing the profession of optometry.

“Low vision” means chronic impairment to vision that significantly interferes with daily routine activities and cannot be adequately corrected with medical, surgical, or therapeutic means or conventional eyewear or contact lenses.

“Low-vision rehabilitation” means use of optical and non-optical devices, adaptive techniques, and community resources to assist an individual to compensate for low vision in performing daily routine activities.

“Negligence,” as used in A.R.S. § 32-1701(8), means conduct that falls below the standard of care for the protection of patients and the public against unreasonable risk of harm and that is a departure from the conduct expected of a reasonably prudent licensee under the circumstances.

“OE Tracker” means an Online Education Tracker used for the purpose of electronically tracking Continuing Education hours taken by a licensee.

“Oral pharmaceutical agent,” as used in A.R.S. §32-1728, means an ingested prescription or non-prescription substance used to examine, diagnose, or treat disease of the eye and its adnexa.

“Party” has the same meaning as prescribed in A.R.S. §41-1001.

“Plano lenses” means contact lenses that have cosmetic function only.

“Practice management” means the study of management of the affairs of optometric practice.

“Self-instructed media” means educational material in a printed, audio, video, ~~or~~ electronic format or distance learning format.

“Topical diagnostic pharmaceutical agent,” as used in A.R.S. §32-1728, means an externally applied prescription or non-prescription substance used to examine and diagnose disease and conditions of the eye and its adnexa.

“Topical therapeutic pharmaceutical agent,” as used in A.R.S. §32-1728, means an externally applied prescription or non-prescription substance used to treat disease of the eye and its adnexa.

“Vision rehabilitation” means an individualized course of treatment and education prescribed to improve conditions of the

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human eye or adnexa or develop compensatory approaches. Vision rehabilitation is designed to help individuals learn, relearn, or reinforce specific vision skills, including eye movement control, focusing control, eye coordination, and the teamwork of the two eyes. Vision rehabilitation includes, but is not limited to optical, non-optical, electronic, or other assistive treatments.

R4-21-102. Fees and other Charges

- A. The Board shall collect the fees established by A.R.S. §32-1727.
- B. Under the authority provided at A.R.S. §32-1727, the Board establishes and shall collect the following fees:
 - 1. License issuance fee of ~~\$400~~ \$450, which is prorated from date of issuance to date of renewal;
 - 2. Biennial license renewal fee of ~~\$400~~ \$450; and
 - 3. Late renewal fee of \$200.
- ~~C.~~ Under the authority provided at A.R.S. §32-1773(B), the Board establishes and shall collect a fee of \$500 for registration or biennial registration renewal as a nonresident dispenser of contact lenses.
- ~~D.~~~~C.~~ Except as provided in subsection ~~(D)~~(C)(3), a person requesting a public record shall pay the following for searches and copies of Board records under A.R.S. §§39-121.01 or 39-121.03:
 - 1. Noncommercial copy:
 - a. 5¢ per name and address for directory listings or 15¢ each if printed on labels, and
 - b. 25¢ per page for other records;
 - 2. Commercial copy:
 - a. 25¢ per name and address for directory listings or 35¢ each if printed on labels, and
 - b. 50¢ per page for other records; and
 - 3. The Board waives the charges listed in subsections ~~(D)~~(C)(1) and ~~(D)~~(C)(2) for a government agency.
- ~~E.~~~~D.~~ The Board establishes and shall collect the following charges for the services specified:
 - 1. Written or certified license verification: \$10; and
 - 2. Duplicate or replacement renewal receipt: \$10.

R4-21-103. Time-frames for Board Action

- A. For each type of license, certificate, or approval issued by the Board, the overall ~~time frame~~ time frame described in A.R.S. § 41-1072(2) is listed in Table 1.
- B. For each type of license, certificate, or approval issued by the Board, the administrative completeness review ~~time frame~~ time frame described in A.R.S. §41-1072(1) is listed in Table 1 and begins on the date the Board receives an application package.
 - 1. If an application package is not administratively complete, the Board shall send a deficiency notice to the applicant that specifies each piece of information or document needed to complete the application package. Within the time provided in Table 1 for response to a deficiency notice, beginning on the postmark date of the deficiency notice, the applicant shall submit to the Board the missing information or document specified in the deficiency notice. The ~~time frame~~ time frame for the Board to finish the administrative completeness review is suspended from the date the Board mails the deficiency notice to the applicant until the date the Board receives the missing information or document.
 - 2. If an application package is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
 - 3. If an application package is not completed with the time provided to respond to the deficiency notice, the Board shall send a written notice to the applicant informing the applicant that the Board considers the application withdrawn.
- C. For each type of license, certificate, or approval issued by the Board, the substantive review time-frame described in A.R.S. § 41-1072(3) is listed in Table 1 and begins on the date the Board sends written notice of administrative completeness to the applicant.
 - 1. During the substantive review ~~time frame~~ time frame, the Board may make one comprehensive written request for additional information. Within the time provided in Table 1 for response to a comprehensive written request for additional information, beginning on the postmark date of the comprehensive written request for additional information, the applicant shall submit to the Board the requested additional information. The ~~time frame~~ time frame for the Board to finish the substantive review is suspended from the date the Board mails the comprehensive written request for additional information to the applicant until the Board receives the additional information.
 - 2. If, under A.R.S. §32-1722(C), the Board determines that a hearing is needed to obtain information on the character of an applicant, the Board shall include a notice of the hearing in its comprehensive written request for additional information.
 - 3. If the applicant fails to provide the additional information within the time provided to respond to a comprehensive written request for additional information, the Board shall send a written notice to the applicant informing the applicant that the Board considers the application withdrawn.
- D. An applicant may, pursuant to A.R.S. §41-1075(B), receive a ~~40-day~~ an extension of up to twenty-five percent of the overall time frame ~~the time~~ to respond under subsection (B)(3) or (C)(3) by sending a ~~notice of request for~~ notice of request for extension of time to the Board before expiration of the time to respond. The ~~time frame~~ time frame for the Board to act remains suspended

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during any extension of time. If the applicant fails to provide the requested information during the extension of time, the Board shall send a written notice to the applicant informing the applicant that the Board considers the application withdrawn.

- E. Within the overall ~~time frame~~ time frame listed in the Table 1, the Board shall:
 - 1. Deny a license, certificate, or approval to an applicant if the Board determines that the applicant does not meet all of the substantive criteria required by statute and this Chapter; or
 - 2. Grant a license, certificate, or approval to an applicant if the Board determines that the applicant meets all of the substantive criteria required by statute and this Chapter.
- F. If the Board denies a license, certificate, or approval under subsection (E)(1), the Board shall provide a written notice of denial to the applicant that explains:
 - 1. The reason for the denial, with citations to supporting statutes or rules;
 - 2. The applicant's right to seek a fair hearing to appeal the denial;
 - 3. The time for appealing the denial; and
 - 4. The right to request an informal settlement conference.
- G. In computing any period prescribed in this Section, the day of the act, event, or default after which the designated period begins to run is not included. The period begins on the date of personal service, date shown as received on a certified mail receipt, or postmark date. The last day of the period is included unless it falls on a Saturday, Sunday, or state holiday in which case, the period ends on the next business day.

Table 1. Time-frames (in calendar days)

Type of License	Overall Time-frame	Administrative Review Time-frame	Time to Respond to Deficiency Notice	Substantive Review Time-frame	Time to Respond to Request for Additional Information
Licensure by examination A.R.S. §32-1722; R4-21-201	75	15	60	60	20
Licensure by endorsement A.R.S. §32-1723; R4-21-202	75	15	75	60	20
Renewal of license A.R.S. §32-1726; R4-21-205	45	15	20	30	20
<u>Renewal of</u> Pharmaceutical agents number A.R.S. §32-1728; R4-21-208	75	15	60	60	20
Approval of a continuing education A.R.S. §32-1704(D); R4-21-210	75	15	20	60	20
Registration of nonresident dispenser of replacement soft contact lenses A.R.S. §32-1773; R4-21-213	75	15	20	60	20

ARTICLE 2. LICENSING PROVISIONS

R4-21-201. Licensure by Examination

- A. An individual is eligible to apply for licensure by examination if the individual graduated from an accredited optometry program but is not eligible for licensure by endorsement under R4-21-202(A).
- B. To apply for licensure by examination, an individual who is eligible under subsection (A) shall submit an application form, which is available from the Board, and provide the following information about the applicant:
 - 1. Full legal name;
 - 2. Other names ever used, if any, and if applicable, a copy of the court document or marriage license resulting in a name change;
 - 3. Social Security number;
 - 4. Mailing address;

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5. E-mail address, if any;
 6. Residential, business, and mobile telephone numbers, if applicable;
 7. Date and place of birth;
 8. Residential addresses for the past five years;
 9. Educational background including the name and address of, dates of attendance at, and date of graduation from:
 - a. An accredited optometry program,
 - b. A pre-optometric school or undergraduate educational institution, and,
 - ~~e. High school, and~~
 - ~~d.c.~~ Other post-secondary schools attended; if any
 10. Experience in the practice of the profession of optometry including the business form and location of the practice;
 11. Work experience or occupation, other than the practice of the profession of optometry, for the past five years;
 12. List of the states in which the applicant is professionally licensed including the name of the state, type of professional license, date issued, and expiration date;
 13. List of the states in which the applicant was but no longer is professionally licensed including the name of the state, type of professional license, date issued, and reason the license is no longer valid;
 14. Statement of whether the applicant:
 - a. Has ever been denied the right to take an examination for optometric licensure by any state or jurisdiction and if so, the name of the state or jurisdiction, date, and reason for the denial;
 - b. Has ever been denied an optometric license or renewal in any state or jurisdiction and if so, the name of the state or jurisdiction, date, and reason for the denial;
 - c. Has ever had a license or certificate of registration to practice the profession of optometry suspended or revoked by any optometric licensing agency and if so, the name of the optometric licensing agency, date, reason for the suspension or revocation, and current status;
 - d. Has ever had an investigation conducted or has an investigation pending by an optometric regulatory agency of any state or jurisdiction and if so, name of the optometric regulatory agency and state or jurisdiction, date, reason for the investigation, and current status;
 - e. Has ever had a disciplinary action instituted against the applicant by any optometric licensing agency and if so, the name of the optometric licensing agency, date, nature of the disciplinary action, reason for the disciplinary action, and current status;
 - f. Has ever been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country and if so, name of the jurisdiction, date, offense charged, offense for which convicted, pled guilty, or no contest, and current status;
 - g. ~~Has been~~ Is currently, or has ever been addicted to narcotic substances or habitually abused alcohol within the last 10 years, ~~and if~~ If so, dates during which the addiction or abuse occurred, date, steps taken to address the addiction or abuse, ~~and~~ current status; and a statement as to why the addiction or abuse does not amount to unprofessional conduct.
 - h. ~~Is presently addicted to narcotic substances or habitually abuses alcohol and if so, why the addiction or abuse does not amount to unprofessional conduct; and~~
 15. Dated and sworn signature of the applicant verifying that the information provided is true to the best of the applicant's knowledge, information, and belief.
- C. In addition to submitting the application form required under subsection (B), an applicant shall submit or have submitted on the applicant's behalf:
1. A ~~two-inch by three-inch~~ passport-quality photograph of the applicant's head and shoulders that is taken within six months of the date of application and signed by the applicant in ink across the lower portion of the front side;
 2. A full set of readable fingerprints taken by a criminal justice agency for the purpose of obtaining a state and federal criminal records check;
 3. To process the fingerprints; a cashier's check or money order payable to the Arizona Department of Public Safety in the amount listed on the application for licensure. ~~required to obtain a state and federal criminal records check;~~
 4. The application fee required under A.R.S. §32-1727;
 5. A copy of the scores obtained by the applicant on Parts I, II, and III of the National Board of Examiners in Optometry examination less than ten years before the date of the application;
 6. A passing score obtained by the applicant on the jurisprudence examination described at R4-21-203;
 7. An official transcript submitted directly to the Board by the educational institution with an accredited optometry program from which the applicant graduated with a degree in optometry;
 8. An official transcript submitted directly to the Board by the educational institution at which the applicant took pre-optometry or undergraduate courses;
 9. A self-query from the National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank made within three months before the date of application; and
 10. A copy of the front and back of ~~the a current~~ cardiopulmonary resuscitation card issued to the applicant, ~~or other written documentation of current certification in cardiopulmonary resuscitation.~~

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R4-21-202. Licensure by Endorsement

- A. An individual is eligible to apply for licensure by endorsement if the individual:
1. Graduated from an accredited optometry program;
 2. Is licensed to practice the profession of optometry in another state that has licensing requirements that the Board determines meet or exceed Arizona's requirements;
 3. Has engaged in the practice of the profession of optometry continuously in the other state or military for at least four of the five years before the date of application; and
 4. Has not had a license to practice the profession of optometry suspended or revoked by any licensing jurisdiction for a cause that is a ground for suspension or revocation of a license in Arizona.
- B. To apply for licensure by endorsement, an individual who is eligible under subsection (A) shall submit the application form described in R4-21-201(B).
- C. In addition to complying with subsection (B), an applicant for licensure by endorsement shall submit or have submitted on the applicant's behalf:
1. The materials required under R4-21-201(C)(1) through (C)(4) and (C)(6) through (C)(10);
 2. A state board certification and license verification form, which is submitted directly to the Board from the state that issued the license on which the applicant's endorsement application is based, indicating:
 - a. Name and title of the individual completing the verification form;
 - b. ~~Number of the applicant's~~ Applicant's optometry license number in the state;
 - c. Date on which the applicant was issued an optometry license by the state;
 - d. A statement of whether the applicant:
 - i. Has been licensed in the state for at least four of the last five years;
 - ii. Is certified to use topical diagnostic, topical therapeutic, or oral pharmaceutical agents and if so, the date on which the certification was obtained;
 - iii. Is currently in good standing in the state;
 - iv. Is known to be licensed to practice the profession of optometry in another state and if so, the name of the other state;
 - v. Has been subject to any disciplinary action and if so, the date, nature of, and reason for the disciplinary action; and
 - vi. Is subject to any pending investigation or complaint and if so, the nature of the investigation or complaint; and
 - e. The dated, notarized signature of the individual completing the verification form; and
 3. A letter on official letterhead, in substantially the form provided by the Board, from a representative of the accredited optometry program at the educational institution from which the applicant graduated, providing details that demonstrate the applicant's education meets the standards at R4-21-207.
 4. A current certificate issued by the CELMO or its successor organization if the applicant does not meet the requirements listed in R4-21-201 or R4-21-202(A)(2).

R4-21-203. Jurisprudence Examination

- A. To be licensed, an applicant shall obtain a score of at least 75% on a jurisprudence examination that assesses knowledge of Arizona's statutes and rules relating to the practice of optometry in Arizona.
- B. An applicant may take the jurisprudence examination ~~at any time up to six months prior to submitting an application for licensure~~ or after submitting to the Board the application form required under R4-21-201(B) or R4-21-202(B).
- C. The jurisprudence exam may be taken either in person at the Arizona State Board of Optometry offices, through the National Board of Examiners in Optometry or a proctored testing center approved by the Board.
- ~~C.D.~~ An applicant who fails the jurisprudence examination may retake the examination one time within ~~six months from the date of the original examination~~ the deficiency time frame of the related application for licensure as listed in Table 1.
- ~~D.E.~~ The Board shall further consider an applicant who fails the jurisprudence examination a second time only if the applicant:
1. Waits at least six months from the date of the second taking of the jurisprudence examination;
 2. Submits a new application form under R4-21-201(B) or R4-21-202(B);
 3. Submits a full set of readable fingerprints taken by a criminal justice agency for the purpose of obtaining a state and federal criminal records check; and a cashier's check or money order payable to the Arizona Department of Public Safety in the amount listed on the application for licensure; ~~payable to the Arizona Department of Public Safety; in the amount required to obtain a state and federal criminal records check~~;
 4. Submits a ~~two inch by three inch~~ passport-quality photograph of the applicant's head and shoulders that is taken within six months of the date of the new application and signed by the applicant in ink across the lower portion of the front side;
 5. Submits a self-query from the National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank made within three months before the date of the new application; and
 6. Submits the application fee required under A.R.S. § 32-1727.

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R4-21-205 License Renewal

- A.** To continue practicing the profession of optometry in Arizona, a licensee shall renew the licensee's license and certificate of special qualification, if applicable, on or before the date on which the license and certificate expire. Timely renewal is a licensee's responsibility. As a courtesy, the Board may provide a licensee with notice that the licensee's license is going to expire. Failure to obtain notice of the need to renew is not good cause for failing to renew.
- B.** To renew a license and, if applicable, certificate of special qualification, a licensee shall submit to the Board a license renewal application and provide the following information:
1. Whether the licensee wants to renew the licensee's license and, if applicable, certificate of special qualification;
 2. The licensee's current public mailing address, ~~and~~ telephone and fax numbers;
 3. The licensee's current residential address, e-mail address, and residential ~~and~~ or mobile telephone numbers;
 4. The licensee's current permanent and temporary practice addresses and telephone and fax numbers;
 5. A statement of whether the licensee:
 - a. Has practiced the profession of optometry within the last two years;
 - b. Has been denied the right to take an examination for optometric licensure by any state or jurisdiction within the preceding two years and if so, the name of the state or jurisdiction, date, and reason for the denial;
 - c. Has been denied an optometric license or renewal in any state or jurisdiction within the preceding two years and if so, the name of the state or jurisdiction, date, and reason for denial;
 - d. Has had a license or certificate of registration to practice the profession of optometry suspended or revoked by any optometric regulatory agency within the preceding two years and if so, the name of the optometric regulatory agency, date, action taken, reason for the action, and current status;
 - e. Has had disciplinary action instituted against the licensee by any optometric regulatory agency within the preceding two years and if so, the name of the optometric regulatory agency, date, nature of the disciplinary action, reason for the disciplinary action, and current status;
 - f. Has had an investigation conducted within the preceding two years or has an investigation pending by an optometric regulatory agency of any state or jurisdiction and if so, name of the optometric regulatory agency and the state or jurisdiction, date, reason for the investigation, and current status;
 - g. Has been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country within the preceding two years, and if so, the name of the jurisdiction, date, offense charged, offense for which convicted, pled guilty, or no contest, and current status;
 - h. ~~Has been~~ Is currently, or has been addicted to narcotic substances or habitually abused alcohol within the preceding two years, ~~and if~~ If so ~~dates during which the addiction or abuse occurred,~~ date, steps taken to address the addiction or abuse, ~~and~~ current status; and a statement as to why the addiction or abuse does not amount to unprofessional conduct.
 - i. ~~Is presently addicted to narcotic substances or habitually abuses alcohol and if so, why the addiction or abuse does not amount to unprofessional conduct;~~
 - j. Has had the authority to prescribe, dispense, or administer pharmaceutical agents limited, restricted, modified, denied, surrendered, or revoked by a federal or state agency within the preceding two years and if so, name of agency taking action, nature of action taken, date, reason for action, and current status; and
 - k. Is in compliance with the provisions of A.R.S. §32-3211;
 6. The following information about each approved continuing education course attended by the licensee during the preceding two years:
 - a. Name of continuing education provider,
 - b. Title,
 - c. COPE course identification number, if any
 - ~~e-d.~~ Date(s) of attendance, and
 - ~~d-e.~~ Number of hours of attendance; and
 7. The licensee's dated signature affirming that the information provided is true and correct.
- C.** In addition to the license renewal application required under subsection (B), a licensee shall submit to the Board:
1. The license renewal fee listed at R4-21-102(B); and
 2. The certificate of special qualification fee required under A.R.S. § 32-1727 if the licensee has a certificate of special qualification; or
 3. Written documentation that the licensee is currently certified in cardiopulmonary resuscitation if the licensee has a pharmaceutical ~~agents~~ agent number.
- D.** A licensee who fails to renew the licensee's license and, if applicable, certificate of special qualification within 30 days after the date of expiration, may apply for late renewal by complying with subsections (B) and (C) within four months after the date of expiration and paying the late renewal fee listed at R4-21-102(B).
- E.** A licensee who fails to renew timely and fails to comply with subsection (D) shall not engage in the practice of the profession of optometry. The holder of a license that is not renewed within four months after the date of expiration may apply

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under R4-21-206 for license reinstatement but is not eligible for license renewal.

- F. If a licensee timely applies for license renewal or complies with subsection (D), the licensee's license and, if applicable, certificate of special qualification remain in effect until the license renewal is granted or denied.

R4-21-205.1. Cardiopulmonary Resuscitation Requirements

1. A CPR certification course must include an exam of the materials presented in the course;
2. CPR courses shall be as recommended by the American Heart Association, the American Red Cross, or the National Safety Council;
3. A CPR certification card with an expiration date must be received from the CPR provider and presented to the board as documentation of CPR certification;
4. Failure to maintain current CPR certification will result in immediate automatic loss of the licensee's Pharmaceutical Agent certification. The Pharmaceutical Agent certification will not be reinstated until the CPR certification deficiency has been corrected; and
5. Any licensee whose Pharmaceutical Agent certification is lost due to expiration of their CPR certification may not prescribe utilizing the Pharmaceutical Agent certification until the CPR is submitted, at which time the Pharmaceutical Agent Certification will be immediately reinstated.

R4-21-206. License Reinstatement; Application for Licensure following License Expiration

- A. Reinstatement following license expiration. Under A.R.S. § 32-1726, if ~~if~~ an individual holds a license that has been expired at least four months but less than five years, the individual may apply to the Board to have the license and, if applicable, certificate of special qualification reinstated. To have an expired license reinstated, the former licensee shall:
1. Submit the renewal form described in R4-21-205(B);
 2. Submit the renewal fee listed in R4-21-102(B) for each biennial period that the license was not renewed;
 3. Submit, if applicable, the fee for a certificate of special qualification listed at A.R.S. §32-1727 for each biennial period that the license was not renewed;
 4. Submit the late renewal fee listed in R4-21-102(B) for each biennial period that the license was not renewed;
 5. Submit a \$50 penalty fee for each year or portion of a year that the license was not renewed; and
 6. Submit written documentation that the former licensee is currently certified in cardiopulmonary resuscitation if the former licensee had a pharmaceutical agents agent number.
- B. Reinstatement following license suspension. If an individual holds a license that was suspended by the Board following a disciplinary proceeding and if the individual timely renewed the suspended license under R4-21-205, the individual may apply to the Board to have the license and, if applicable, certificate of special qualification reinstated. To have a suspended license reinstated, the suspended licensee shall submit evidence of completing all terms of suspension imposed by the Board.
- C. Application for new license following license expiration. If an individual holds a license that has been expired for five years or more, the individual may apply for a new license:
1. Under R4-21-202 if the individual has continuously practiced the profession of optometry in another state or the military for at least four of the last five years, or
 2. Under R4-21-201 if the individual is not qualified to apply for a new license under subsection (C)(1).

R4-21-208. Certificate of Special Qualification; Pharmaceutical Agent Number

- A. The Board shall issue a certificate of special qualification that allows a licensee to prescribe, administer, and dispense topical diagnostic and therapeutic pharmaceutical agents or only topical diagnostic pharmaceutical agents if the licensee:
1. Was licensed by the Board before July 1, 2000;
 2. Held a comparable certificate of special qualification issued by the Board before July 1, 2000; and
 3. Pays the fee prescribed at A.R.S. § 32-1727.
- B. The Board shall issue a certificate of special qualification that indicates a licensee shall not prescribe, administer, or dispense a pharmaceutical agent if the licensee:
1. Was licensed by the Board before July 1, 2000,
 2. Did not hold a certificate of special qualification issued by the Board before July 1, 2000, and
 3. Pays the fee prescribed at A.R.S. § 32-1727.
- C. A licensee who holds a certificate of special qualification issued under subsection (A) or (B) may apply to the Board for a pharmaceutical agent number that indicates the licensee is authorized to prescribe, administer, or dispense topical diagnostic, topical therapeutic, and oral pharmaceutical agents. To apply for a pharmaceutical agent number, a licensee who holds a certificate of special qualification issued under subsection (A) or (B) shall:
1. Submit to the Board an application, using a form that is available from the Board, and provide the following information:
 - a. Name of licensee;
 - b. Social Security number;
 - c. Mailing address;
 - d. Telephone and fax numbers at the address listed under subsection (C)(1)(c);

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- e. License number;
 - f. Number of certificate of special qualification for diagnostic pharmaceutical agents, if any;
 - g. Number of certificate of special qualification for therapeutic pharmaceutical agents, if any;
 - h. Residential address;
 - i. Telephone ~~and fax numbers~~ at the address listed under subsection (C)(1)(h);
 - j. Name of the course of study approved under R4-21-207 that the licensee completed and date of completion; and
 - k. Applicant's dated signature affirming that the information provided is true and correct; and
2. Have a representative of the educational institution at which the licensee completed the approved course of study submit to the Board evidence that the course of study is approved and the licensee completed all course requirements; and
 3. Submit written documentation that the licensee is currently certified in cardiopulmonary resuscitation.
- D. The Board shall issue a pharmaceutical agent number that indicates a licensee is authorized to prescribe, administer, or dispense topical diagnostic, topical therapeutic, and oral pharmaceutical agents if the licensee is initially licensed by the Board under R4-21-201 or R4-21-202 after June 30, 2000.

R4-21-209. Continuing Education Requirement

- A. A licensee shall complete 32 hours of COPE approved continuing education during each biennial license renewal period. The licensee shall ensure that in each biennial license renewal period:
1. At least ~~four~~ eight hours of the approved continuing education is in the area of diagnosis, treatment, and management of disease of the human eye and its adnexa and pharmaceutical use appropriate to the authority held by the licensee;
 2. No more than 12 hours of the approved continuing education ~~are~~ may be obtained through COPE approved self-instructed media;
 3. No more than four hours of the approved continuing education are in the area of practice management;
 4. No more than one hour of approved continuing education is claimed for each day of instruction in a course of study approved under R4-21-207 to a maximum of four hours; and
 5. No more than four hours of approved continuing education are claimed for publishing or presenting a paper, report, or book that deals with current developments, skills, procedures, or treatments related to the practice of the profession of optometry.
 6. No more than one (1) hour of continuing education requirements may be claimed for obtaining CPR certification.
 7. One (1) hour of continuing education may be claimed for attending a regular meeting of the Arizona State Board of Optometry; Licensees on the meeting agenda are not eligible to receive CE credit for attendance at a board meeting.
- B. If a licensee obtains more than 32 hours of approved continuing education during a biennial renewal period, the licensee shall not claim the extra hours of approved continuing education during a subsequent biennial renewal period.
- C. During the biennial renewal period in which a licensee is first licensed, the licensee shall obtain a prorated number of hours of approved continuing education for each month remaining in the biennial renewal period. The hours shall be calculated at four hours per quarter of a year to include the quarter in which the application for licensure is approved by the Board.
- D. A licensee shall not claim as approved continuing education any educational program or course completed before being licensed.
- ~~E. A licensee shall obtain a certificate or other evidence of attendance from the provider of each approved continuing education attended that includes the following:~~
- ~~1. Name of the licensee;~~
 - ~~2. License number of the licensee;~~
 - ~~3. Name of the approved continuing education;~~
 - ~~4. Name of the continuing education provider;~~
 - ~~5. Date, time, and location of the approved continuing education; and~~
 - ~~6. Number of hours of approved continuing education and number of hours relating to practice management.~~
- E. For the purpose of license renewal, Continuing Education shall be verified through the ARBO-OE Tracker Program, using the licensee's individual OE Tracker report.
- F. A licensee shall maintain the ~~certificates~~ OE Tracker report or other evidence of attendance described in subsection (E) for three years from the date of attendance.
- G. A licensee shall submit to the Board a copy of their OE Tracker report ~~the certificates or other evidence of attendance~~ obtained during a biennial renewal period as proof of attendance at continuing education courses if subject to an audit by the Board under R4-21-211.

R4-21-210. Approval of Continuing Education

- A. The Board approves the following as continuing education:
1. An internship, residency, or fellowship attended at an educational institution with an accredited optometry program; and

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2. An educational program designed to provide understanding of current developments, procedures, or treatments, or improve skills related to the practice of the profession of optometry and:
 - a. Provided by an educational institution with an accredited optometry program; or
 - b. Sponsored or approved by the Association of Schools and Colleges of Optometry, or The Council on Optometric Practitioner Education, or a local, regional, or national optometric association.
- ~~B.~~ To obtain approval of a continuing education that is not approved under subsection (A), the provider of the continuing education or a licensee shall, before providing or participating in the continuing education:
 1. Submit an application for approval, using a form that is available from the Board, and provide the following information:
 - a. Name of applicant;
 - b. Address and telephone number of applicant;
 - c. Provider of the continuing education;
 - d. Name and telephone number of a contact person with the continuing education provider;
 - e. Name of the continuing education;
 - f. Date and location of the continuing education;
 - g. Manner in which potential participants will be notified that the continuing education is available;
 - h. Number of hours of the continuing education and the number of hours that relate to practice management;
 - i. Name of instructor of the continuing education; and
 - j. Dated signature of the applicant;
 2. Submit a curriculum vitae for the instructor of the continuing education; and
 3. Submit a syllabus of the continuing education that identifies learning objectives, teaching methods, and content.
- ~~C.B.~~ The provider of an approved continuing education shall scan the licensee to the OE Tracker system or report to ARBO the licensee's attendance if a scanner is not available. provide each participant with a certificate or other evidence of attendance that meets the standards at R4-21-209(E).
- ~~D.~~ The Board shall approve a continuing education if the application required under subsection (B) is submitted and the Board determines that the continuing education is designed to provide understanding of current developments, procedures, or treatments, or improve skills related to the practice of the profession of optometry.

R4-21-211. Audit of Compliance with Continuing Education Requirement

- ~~A.~~ At the time of license renewal, the Board shall provide notice of an audit of continuing education records to a random sample of licensees. A licensee subject to a continuing education audit shall submit documentation that demonstrates compliance with the continuing education requirement at the same time the licensee submits the license renewal application form required under R4-21-205.
- ~~B.~~ The Board shall use the information entered into the ARBO-OE Tracker software to perform its audit. If a licensee has recorded the total number of required continuing education credits in OE Tracker, the Board shall consider the CE requirement met.
- ~~C.~~ The method of reporting and auditing continuing education shall be: At the time of license renewal, each licensee shall certify to the Board, through an OE-Tracker report, completion of the continuing education required for license renewal. In the event that continuing education credits are not posted on OE-Tracker, the licensee may not renew the license until continuing education hours are submitted to the OE-Tracker and listed on the individual licensee's report.

R4-21-213. Registration of Nonresident Contact Lens Dispenser; Renewal Repeal

- ~~A.~~ To register with the Board as a nonresident dispenser of replacement soft contact lenses, a person shall maintain a valid license to conduct the business of a pharmacist or pharmacy in the state in which the person is domiciled.
- ~~B.~~ To register with the Board, a nonresident contact lens dispenser that is qualified under subsection (A) shall submit to the Board:
 1. An application, using a form that is available from the Board, that provides the following information:
 - a. Name of applicant;
 - b. Social Security number;
 - c. Date of applicant's birth;
 - d. Mailing address;
 - e. Telephone and fax numbers at the address listed under subsection (B)(1)(d);
 - f. State in which the applicant is licensed as a pharmacist or pharmacy;
 - g. Number of pharmacist or pharmacy license;
 - h. Whether license held is for a pharmacist or pharmacy;
 - i. Taxpayer identification number;
 - j. Primary business name;
 - k. Address of business location at which inventory and records are stored;
 - l. Telephone and fax numbers at the address listed under subsection (B)(1)(k);

- m. Toll free telephone number for use by Arizona customers; and
 - n. Applicant's dated signature affirming that the information provided is true and correct;
 - 2. The names of all corporate officers and of all general partners, if any;
 - 3. The fee listed at R4-21-102(C); and
 - 4. A certified copy of the license referenced in subsection (B)(1)(g).
- ~~C. Registration as a nonresident contact lens dispenser is valid for two years from the date issued. To renew registration, a registered nonresident contact lens dispenser shall comply with subsection (B) before the registration expires.~~

ARTICLE 3. STANDARDS; RECORDKEEPING; REHEARING OR REVIEW OF BOARD DECISION

R4-21-302. Advertising

- A. A licensee shall not knowingly make, publish, or use an advertisement that contains a false, fraudulent, deceptive, or misleading representation.
- B. A licensee may advertise that the licensee has a practice limited in some way if the licensee does not use the term "specialist" or any derivative of the term "specialist."
- C. A licensee shall ensure that the content of an advertisement or directory that includes the name and address of the licensee is accurate.
- D. An advertisement for health care services that includes a health professional's name shall identify the title and type of license the health professional holds.

R4-21-305. Recordkeeping

- A. A licensee shall create and maintain a complete and legible record of each examination including all findings. A licensee shall ensure that a patient record is maintained for at least six years after the licensee's last contact with the patient and includes:
 - 1. Patient's name and contact information;
 - 2. Date on which an entry is made in the patient's record;
 - 3. Identification of the person making the entry in the patient's record;
 - 4. Complete health history;
 - 5. Visual acuity of each eye: entering and best corrected;
 - 6. Ocular health examination;
 - 7. Assessment of intraocular and extra-ocular muscle function;
 - 8. Objective or subjective refraction of the eyes;
 - 9. Diagnosis, treatment, and disposition;
 - 10. Type and dosage of each use of a pharmaceutical agent;
 - 11. Final optometric prescription given, if any;
 - 12. Corrective procedure program prescribed, if any; and
 - 13. Signature of licensee providing diagnosis, treatment, and disposition.
- B. A licensee may create and maintain any record required under A.R.S. Title 32, Chapter 16 or this Chapter in electronic format. A licensee may convert any record maintained under A.R.S. Title 32, Chapter 16 or this Chapter to electronic format. A licensee who converts a record to electronic format shall ensure that the record contains all the information required under A.R.S. Title 32, Chapter 16 and this Chapter.
- C. A licensee who discontinues practice for any reason shall arrange for a patient's record to be available to the patient for six years from the date the licensee discontinues practice. Before discontinuing practice, a licensee shall notify the Board of the location at which patient records from the practice will be maintained.
- D. A licensee who acquires the patient records of a licensee who discontinued practice, either with or without succeeding to the practice of the other licensee, shall ensure that the records are available to the patients for six years after the licensee from whom the records were acquired discontinued practice.
- E. A licensee shall provide a tangible or electronic copy of a patient's record within five business days after receiving a written request from the patient. The licensee shall provide the copy to any person designated by the patient. The licensee may charge a fee to cover the costs of providing the copy. The licensee shall maintain a record of providing the copy for six years.
- F. Regardless of the form in which a licensee creates and maintains patient records, the licensee shall comply with all ~~law~~ laws regarding security, confidentiality, maintenance and release of the records.

R4-21-306. Optometric Prescription Standards; Release to Patients

- A. When a licensee completes an eye examination and generates an optometric prescription, the licensee shall provide the patient with a copy of the optometric prescription without charging a fee other than the examination fee.
- B. A licensee shall ensure that an optometric prescription written by the licensee includes:
 - 1. For ophthalmic lenses other than contact lenses:
 - a. Name of the patient;

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- b. Refractive power of the lenses;
 - e. ~~Interpupillary distance;~~
 - ~~d.~~ Printed name, office address, telephone number, and signature of the licensee; and
 - e-d. Date of the examination and expiration date of the prescription;
2. For contact lenses, including plano lenses:
- a. Name of the patient;
 - b. For a patient who has not completed a trial period appropriate under the circumstances and desires to have a prescription, the information required for the patient to purchase trial lenses at another optical establishment or location;
 - c. For a patient who has completed a trial period appropriate under the circumstances for the lenses prescribed, all information necessary to reproduce the contact lenses accurately;
 - d. Printed name, office address, telephone number, license number, and signature of the licensee;
 - e. Date of the examination and the issue and expiration date of the prescription; and
 - f. Information regarding the prescribed contact lenses:
 - i. Refractive power;
 - ii. Base curve or other appropriate designation;
 - iii. Diameter, if appropriate;
 - iv. Tint, if applicable;
 - v. Material, manufacturer, or both; and
 - vi. In the case of private-label contact lenses, manufacturer, trade name, and, if applicable, trade name of equivalent brand name; and
3. For pharmaceutical agents:
- a. Name and address of the patient;
 - b. Date the prescription is issued;
 - c. Name, strength, and quantity of the pharmaceutical agent prescribed;
 - d. Directions for use of the pharmaceutical agent prescribed;
 - e. Name, office address, and telephone number of the prescribing licensee;
 - f. DEA number of the prescribing licensee; only when prescribing controlled substances;
 - g. Two adjacent signature lines with the following printed words:
 - i. "Dispense as written" under the left signature line, and
 - ii. "Substitution permissible" under the right signature line; and
 - h. Original signature of the prescribing licensee on one of the signature lines; and
4. Additional information that the licensee considers necessary.
- C. A licensee who dispenses or directs the dispensing of ophthalmic materials shall ensure that a prescription is filled accurately.
- D. A licensee shall be available to verify that a prescription written by the licensee but filled by another provider of ophthalmic goods is accurately filled. The licensee may charge a fee for verifying the accuracy or quality of ophthalmic goods dispensed by another provider.
- E. A licensee may not:**
- 1. Require purchase of contact lenses from the prescriber or from another person as a condition of providing a copy of the prescription;
 - 2. Require a payment in addition to, or as part of, the fee for an eye examination, fitting, and evaluation as a condition of providing a copy of a prescription or verification of a prescription;
 - 3. Require the patient to sign a waiver or release as a condition of verifying or releasing a prescription.

R4-21-308. Anaphylactic-related Supplies

- A. If a patient to whom a licensee administers a pharmaceutical agent experiences an anaphylactic reaction, the licensee may, as provided by A.R.S. § 32-1706~~(E)~~(F), use ~~an injectable epinephrine auto-injector~~ to counteract the anaphylactic reaction.
- B. A licensee who maintains ~~injectable epinephrine auto-injectors~~ at the licensee's practice location shall also maintain the following medically necessary supportive equipment and supplies:
- 1. Diphenhydramine in injectable, capsule or tablet, and syrup forms;
 - 2. Syringes for injecting diphenhydramine;
 - 3. Wristwatch with a second hand;
 - 4. Sphygmomanometer with both adult and extra-large cuffs;
 - 5. Stethoscope;
 - 6. Adult-size pocket mask with one-way valve;
 - 7. Tongue depressors; and
 - 8. Telephone.

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9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Rameshwar Adhikari
Address: Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson, Site Code 837A
Phoenix, AZ 85007
Telephone: (602) 542-9199
Fax: (602) 542-6000
E-mail: radhikari@azdes.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Department does not plan to conduct an oral proceeding on the proposed rules unless a written request for an oral proceeding is submitted to the person named in item 4 within 30 days after the date this notice is published. The Department will accept written public comments on the proposed rules for 30 days after the date this notice is published.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

No other matters are prescribed.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules do not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

**CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES**

ARTICLE 49. CHILD CARE ASSISTANCE

Section

R6-5-4905. Initial Eligibility Interview
R6-5-4919. Time Limit for Child Care Assistance

ARTICLE 49. CHILD CARE ASSISTANCE

R6-5-4905. Initial Eligibility Interview

- A. No change
- B. No change
- C. No change

D. No change

1. No change
2. No change
3. No change
4. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
5. No change
6. No change
7. No change
8. No change
9. No change
 - a. No change
 - b. Availability of child support services through the Division of Child Support ~~Enforcement (DCSE)~~ Services to assist with paternity establishment, establishment of a child support order, or enforcement of an existing child support order. Provide the applicant with written information regarding child support services if the applicant comes into the office for the initial interview; and
 - c. No change
10. No change
 - a. No change
 - b. No change
 - c. No change
11. No change
 - a. No change
 - b. No change
12. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
13. No change
14. No change
 - a. No change
 - b. No change
 - c. No change
15. No change

R6-5-4919. Time Limit for Child Care Assistance

No change

A. No change

1. No change
2. No change
3. No change

B. No change

1. No change
2. No change
3. No change
4. No change

C. No change

1. No change
2. No change
3. No change

D. No change

1. No change
 - a. No change

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- b. No change
- 2. No change
- 3. No change
- 4. No change
 - a. No change
 - b. No change
- E.** No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
- F.** No change
 - 1. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - vii. No change
 - viii. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - vii. No change
 - viii. Engaged in activities to pursue or maintain child support payments from an absent parent through DES Child Support ~~Enforcement~~ Services, the county attorney's office, or a private attorney;
 - ix. No change
 - x. No change
 - xi. No change
 - xii. No change
 - xiii. No change
 - xiv. No change
 - xv. No change
 - xvi. No change
 - xvii. No change
 - 2. No change
 - 3. No change
- G.** No change
 - 1. No change
 - 2. No change
 - 3. No change

NOTICE OF PROPOSED RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 7. DEPARTMENT OF ECONOMIC SECURITY
CHILD SUPPORT ENFORCEMENT

[R14-202]

PREAMBLE

- | <u>1. Article, Part or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|-------------------------------------------------------------|--------------------------|
| Chapter 7 | Amend |
| R6-7-101 | Amend |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 41-1954(A)(3)
Implementing statute: A.R.S. §§ 8-243, 25-319, 25-320, 25-500, 25-503, 25-504, 25-505, 25-510, 25-522, 25-528, 25-809, 46-292, 46-407, 46-408, and 46-441
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 20 A.A.R. 2846, October 24, 2014
- 4. The agency's contact person who can answer questions about the rulemaking:**
Name: Rameshwar Adhikari
Address: Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson, Site Code 837A
Phoenix, AZ 85007
Telephone: (602) 542-9199
Fax: (602) 542-6000
E-mail: radhikari@azdes.gov
- 5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
The Department is implementing the name change from the Division of Child Support Enforcement to the Division of Child Support Services. This has necessitated changing the reference to the Division's name throughout the Department rules. This name change better reflects and captures the overarching work that the Division does. This rulemaking will avoid confusion and ensure consistency.
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
The Department did not review or rely on any study relevant to the rules.
- 7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**
There is minimal (less than \$1,000) economic, small business or consumer impact. The general public will benefit from this rulemaking because it will avoid confusion and ensure consistency by reflecting the change in the Division's name.
- 9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:**
Name: Rameshwar Adhikari

Notices of Proposed Rulemaking

Address: Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005

or

Department of Economic Security
1789 W. Jefferson, Site Code 837A
Phoenix, AZ 85007

Telephone: (602) 542-9199

Fax: (602) 542-6000

E-mail: radhikari@azdes.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Department does not plan to conduct an oral proceeding on the proposed rules unless a written request for an oral proceeding is submitted to the person named in item 4 within 30 days after the date this notice is published. The Department will accept written public comments on the proposed rules for 30 days after the date this notice is published.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

No other matters are prescribed.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules do not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

CHAPTER 7. DEPARTMENT OF ECONOMIC SECURITY
CHILD SUPPORT ~~ENFORCEMENT~~ SERVICES

ARTICLE 1. GENERAL PROVISIONS

Section
R6-7-101. Definitions

ARTICLE 1. GENERAL PROVISIONS

R6-7-101. Definitions

No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change

Arizona Administrative Register / Secretary of State
Notices of Proposed Rulemaking

7. No change
8. No change
9. No change
 - a. No change
 - b. No change
 - c. No change
10. No change
11. No change
 - a. No change
 - b. No change
 - c. No change
12. No change
13. No change
14. No change
15. No change
16. No change
17. No change
18. No change
19. No change
20. No change
21. No change
22. No change
23. No change
24. No change
25. No change
26. No change
27. No change
28. No change
29. No change
30. No change
31. No change
 - a. No change
 - b. No change
32. No change
33. No change
34. No change
35. No change
36. No change
37. No change
38. No change
39. No change
40. No change
 - a. No change
 - b. No change
41. No change
42. No change
43. No change
44. No change
45. No change
46. No change
47. No change
48. No change
49. No change
50. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - b. No change

Notices of Proposed Rulemaking

- c. No change
- 51. No change
- 52. No change
- 53. No change
- 54. "Title IV-D Agency" means the Division of Child Support ~~Enforcement~~ Services and all of its contracting entities that administer Title IV-D services.
- 55. No change
- 56. No change
- 57. No change
- 58. No change
- 59. No change
- 60. No change
- 61. No change
 - a. No change
 - b. No change
- 62. No change
 - a. No change
 - b. No change
- 63. No change
- 64. No change

NOTICE OF PROPOSED RULEMAKING

TITLE 6. ECONOMIC SECURITY

**CHAPTER 12. DEPARTMENT OF ECONOMIC SECURITY
CASH ASSISTANCE PROGRAM**

[R14-203]

PREAMBLE

- | | |
|--------------------------------------------------------------------|---------------------------------|
| <u>1. Article, Part or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R6-12-203 | Amend |
| R6-12-302 | Amend |
| R6-12-311 | Amend |
| R6-12-312 | Amend |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 41-1954(A)(3)
Implementing statute: A.R.S. § 46-134(10)
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 20 A.A.R. 2848, October 24, 2014
- 4. The agency's contact person who can answer questions about the rulemaking:**
- | | |
|------------|-------------------------------------------------------------------------------------------|
| Name: | Rameshwar Adhikari |
| Address: | Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005 |
| | or |
| | Department of Economic Security
1789 W. Jefferson, Site Code 837A
Phoenix, AZ 85007 |
| Telephone: | (602) 542-9199 |
| Fax: | (602) 542-6000 |
| E-mail: | radhikari@azdes.gov |

Notices of Proposed Rulemaking

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Department is implementing the name change from the Division of Child Support Enforcement to the Division of Child Support Services. This has necessitated changing the reference to the Division's name throughout the Department rules. This name change better reflects and captures the overarching work that the Division does. This rulemaking will avoid confusion and ensure consistency.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review or rely on any study relevant to the rules.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

There is minimal (less than \$1,000) economic, small business or consumer impact. The general public will benefit from this rulemaking because it will avoid confusion and ensure consistency by reflecting the change in the Division's name.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Rameshwar Adhikari
Address: Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson, Site Code 837A
Phoenix, AZ 85007
Telephone: (602) 542-9199
Fax: (602) 542-6000
E-mail: radhikari@azdes.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Department does not plan to conduct an oral proceeding on the proposed rules unless a written request for an oral proceeding is submitted to the person named in item 4 within 30 days after the date this notice is published. The Department will accept written public comments on the proposed rules for 30 days after the date this notice is published.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

No other matters are prescribed.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules do not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

**CHAPTER 12. DEPARTMENT OF ECONOMIC SECURITY
CASH ASSISTANCE PROGRAM**

ARTICLE 2. APPLICATION PROCESS AND PROCEDURES

Section

R6-12-203. Initial Eligibility Interview

ARTICLE 3. NON-FINANCIAL ELIGIBILITY CRITERIA

Section

R6-12-302. Applicant and Recipient Responsibility

R6-12-311. Assignment of Support Rights; Cooperation

R6-12-312. Good Cause for Non-cooperation with Child Support ~~Enforcement~~ Services

ARTICLE 2. APPLICATION PROCESS AND PROCEDURES

R6-12-203. Initial Eligibility Interview

A. No change

B. No change

C. No change

1. No change

2. No change

3. No change

4. No change

a. No change

b. No change

c. No change

d. No change

e. No change

f. No change

g. No change

h. No change

5. No change

6. No change

a. No change

b. No change

c. No change

d. No change

7. No change

8. No change

a. Cooperate with the Division of Child Support ~~Enforcement (DCSE)~~ Services in establishing paternity and enforcing support obligations, unless the applicant can show good cause for not doing so;

b. No change

c. No change

9. No change

10. No change

11. No change

D. No change

E. No change

ARTICLE 3. NON-FINANCIAL ELIGIBILITY CRITERIA

R6-12-302. Applicant and Recipient Responsibility

- A.** No change
 - 1. No change
 - 2. No change
 - 3. No change
- B.** No change
- C.** No change
- D.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. Cooperating with all rules and requirements of the Family Assistance, JOBS, and Child Care Administrations and of the Division of Child Support ~~Enforcement~~ Services.
 - 2. No change
- E.** No change

R6-12-311. Assignment of Support Rights; Cooperation

- A.** No change
- B.** No change
- C.** No change
- D.** No change
- E.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- F.** No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - 3. No change
 - 4. Appearing at a ~~child support enforcement~~ Child Support Services office when requested, to provide oral or written information or documentary evidence known to, possessed by, or reasonably obtainable by the applicant or recipient.
 - 5. No change
 - 6. No change
 - 7. No change
- G.** No change

R6-12-312. Good Cause for Non-cooperation with Child Support ~~Enforcement~~ Services

- A.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- B.** No change
 - 1. No change
 - 2. No change
- C.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- D.** No change
- E.** No change
 - 1. No change
 - 2. No change

Notices of Proposed Rulemaking

- 3. No change
- 4. No change
- 5. No change
- 6. No change
- F.** No change
- G.** No change
- H.** No change
- I.** No change
- J.** No change
 - 1. No change
 - 2. No change